

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1448**

Introduced by Business and Labor Committee:  
Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7;  
Preister, 5; Redfield, 12; Schimek, 27

Read first time February 9, 2000

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to claims against the state; to appropriate  
2 funds for the payment of certain claims; to provide for  
3 payment of the claims; to authorize certain write-offs as  
4 prescribed; and to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

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1                   Section 1.   There are hereby appropriated the following  
2   sums of money, or so much thereof as may be required, from the  
3   General Fund or from other funds as indicated in the state  
4   treasury, not otherwise appropriated, for the payment of claims  
5   arising out of miscellaneous items of indebtedness owing by the  
6   State of Nebraska.

7                                   1999-2000 MISCELLANEOUS CLAIMS

8   DESCRIPTION	DOLLARS
9   Claim No. 99-345, against the Department of Revenue,	
10   pay to <u>Federal Express Corp.</u> , P.O. Box 727, Memphis,	
11   TN 38194, out of the General Fund.	40,870.00
12   Claim No. 99-359, against the Department of	
13   Correctional Services, pay to <u>Thomas McAllister</u> , %	
14   Murry Shaeffer, P.O. Box 832, Cheyenne, WY 82003,	
15   out of the General Fund.	15,327.58
16   Claim No. 99-377, against the Department of	
17   Administrative Services, pay to <u>Datamaxx Applied</u>	
18 <u>Technologies</u> , % Curt Owens, 3780-A Peddie Dr.,	
19   Tallahassee, FL 32303, out of the Communications	
20   Cash Fund.	23,200.00
21   Claim No. 99-405, against the Department of Health	
22   and Human Services, pay to <u>Presbyterian Medical</u>	
23 <u>Center</u> , % Parr Recovery, P.O. Box 238, Allston, MA	
24   02134, out of the General Fund.	24,411.61
25   Claim No. 99-446, against the Attorney General's	
26   Office, pay to <u>Donald Tedesco</u> , P.O. Box 131, Sidney,	
27   NE 69162, out of the General Fund.	535.00
28   Claim No. 99-482, against the Department of Revenue,	

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1	pay to <u>M.G. Waldbaum</u> , 5353 Wayzata Blvd. #500,	
2	Minneapolis, MN 55416, out of the General Fund.	96,420.41
3	Claim No. 99-611, against the Department of Health	
4	and Human Services, pay to <u>Walgreens</u> , % CityVest,	
5	306 Reunion Center, Tulsa, OK 74103, out of the	
6	General Fund.	54,004.62
7	Claim No. 99-620, against the Department of Health	
8	and Human Services, pay to <u>University Medical Center</u>	
9	<u>Outpatient</u> , P.O. Box 985070, Omaha, NE 68198, out of	
10	the General Fund.	34,317.55
11	Claim No. 00-211, against the Attorney General's	
12	Office, pay to <u>Kent Turnbull</u> , 301 N. Jeffers, Suite	
13	101A, North Platte, NE 69101, out of the General Fund.	4,250.00
14	The claims included in this section shall be paid through	
15	program 536 in Agency 65.	
16	For informational purposes only, the appropriations	
17	contained in this section and fund source:	
18	GENERAL FUND	270,136.77
19	CASH FUNDS	23,200.00
20	TOTAL	293,336.77

21           Sec. 2. The following sums of money, or so much thereof  
22 as may be required, are hereby appropriated from the General Fund  
23 or from other funds as indicated in the state treasury, not  
24 otherwise appropriated, for the payment of tort claims which have  
25 been settled by the Attorney General in the district court or in  
26 which court judgments have been entered and which require the  
27 approval of the Legislature for payment.

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1 Tort Claim No. 94-295, against the Department of  
2 Roads, pay to Luebs, Leininger, Smith, Busick,  
3 Johnson, Baack, Placzek & Steele, P.O. Box 790,  
4 Grand Island, NE 68802-0709, out of the Roads  
5 Operations Cash Fund. 3,558.10

6 Tort Claim No. 94-295, against the Department of  
7 Roads, pay to Nora Zepeda and Diego Gavilanes,  
8 Attorney, 3325 Wetmore Ave., Everett, WA 98201, out  
9 of the Roads Operations Cash Fund. 106,441.90

10 Tort Claim No. 94-295, against the Department of  
11 Roads, pay to Department of Health and Human  
12 Services, P.O. Box 95044, Lincoln, NE 68509-5044,  
13 out of the Roads Operations Cash Fund. 12,324.42

14 Tort Claim No. 94-347, against the Department of  
15 Roads, pay to Rex Woollen and Siegfried Brauer,  
16 Attorney, 2002 Central Ave., Kearney, NE 68848,  
17 out of the Roads Operations Cash Fund. 567,816.05

18 The claims included in this section shall be paid through  
19 Program 591 in Agency 65.

20 For informational purposes only, the appropriations  
21 contained in this section and fund source:

22 CASH FUNDS 690,140.47  
23 TOTAL 690,140.47

24 Sec. 3. The following sums of money, or so much thereof  
25 as may be required, are hereby appropriated from the General Fund  
26 or from other funds as indicated in the state treasury, not  
27 otherwise appropriated, for the payment of indemnification claims  
28 which have been settled by the Attorney General in the district

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1 court or in which court judgments have been entered and which  
2 require the approval of the Legislature for payment.

3 DESCRIPTION DOLLARS

4 Indemnification Claim No. 354(96), against the  
5 Department of Health and Human Services, for  
6 attorney's fees associated with above-referenced  
7 case, pay to Bruce Mason, Attorney, 1505 South 108th  
8 Street, Omaha, NE 68144, out of the General Fund. 221,839.34

9 Indemnification Claim No. 354(96), against the  
10 Department of Health and Human Services, for  
11 attorney's fees associated with above-referenced  
12 case, pay to Nebraska Advocacy Services, 215  
13 Centennial Mall South, Lincoln, NE 68508,  
14 out of the General Fund 159,221.73

15 out of the Department of Health  
16 and Human Services Cash Fund. 49,766.73

17 The claims included in this section shall be paid through  
18 Program 592 in Agency 65.

19 For informational purposes only, the appropriations  
20 contained in this section and fund source:

21 GENERAL FUND 381,061.07

22 CASH FUNDS 49,766.73

23 TOTAL 430,827.80

24 Sec. 4. The following sums of money, or so much thereof  
25 as may be required, are hereby appropriated from the General Fund  
26 or from other funds as indicated in the state treasury, not  
27 otherwise appropriated, for the payment of workers' compensation  
28 lump-sum settlements which have been approved by the Nebraska

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1 Workers' Compensation Court and which require the approval of the  
2 Legislature for payment.

3 DESCRIPTION DOLLARS

4 Workers' Compensation Lump-Sum Settlement approved  
5 by the Nebraska Workers' Compensation Court, pay to  
6 Beverly Bartholow and Robert Henley Woody, Attorney,  
7 P.O. Box 34880, Omaha NE 68134, out of the Workers'  
8 Compensation Claims Revolving Fund. 230,976.00

9 The claim in this section shall be paid through Program  
10 593 in Agency 65.

11 For informational purposes only, the appropriation  
12 contained in this section and fund source:

13 REVOLVING FUNDS 230,976.00

14 TOTAL 230,976.00

15 Sec. 5. The Director of Administrative Services is  
16 hereby authorized and directed to draw his or her warrants on or  
17 before June 30, 2001, upon the funds in the state treasury  
18 enumerated in this act, in favor of the several beneficiaries named  
19 in this act for the amount set opposite their respective names upon  
20 the presentation of proper vouchers therefor. The several amounts  
21 appropriated in this act shall be in full payment of any and all  
22 claims, rights, causes of action, damages, and demands of every  
23 character and kind owing by or against the State of Nebraska, its  
24 officers, agents, and employees, and their successors and assigns  
25 with respect to each of the beneficiaries respectively in whose  
26 favor the appropriations are made. The director shall not deliver  
27 any warrant for any items appropriated in this act until a receipt  
28 and release in full, releasing the State of Nebraska, its officers,

1 employees, and agents, and their successors and assigns, has been  
2 filed by each of the beneficiaries respectively. Upon presentation  
3 of the warrants, the State Treasurer is hereby directed to pay the  
4 same out of money in the General Fund or out of money in other  
5 funds indicated in this act not otherwise appropriated.

6           Sec. 6.     The following requests were filed by state  
7 agencies seeking permission to write off certain accounts.     The  
8 State Claims Board reviewed and approved the following requests:

9 DESCRIPTION	DOLLARS
10 Request No. 99-697, made by the Clerk of the	
11 Legislature	19.89
12 Request No. 00-104, made by the Department of Health	
13 and Human Services Finance and Support	487,023.89
14 Request No. 00-140, made by the Department of	
15 Revenue, Lottery Division	6,113.00
16 Request No. 00-152, made by the Supreme Court	197.44
17 Request No. 00-274, made by the Department of Health	
18 and Human Services, Western Nebraska Veterans' Home	13,551.78
19 Request No. 00-285, made by the Department of	
20 Administrative Services	1,147.27
21 Request No. 00-288, made by the Department of Health	
22 and Human Services, Grand Island Veterans' Home	85,416.39
23 Request No. 00-289, made by the Department of Health	
24 and Human Services, Thomas Fitzgerald Veterans' Home	15,445.04
25 Request No. 00-290, made by the Department of Health	
26 and Human Services, Norfolk Veterans' Home,	
27 Members Trust Account	5.89
28 Request No. 00-291, made by the Department of Health	

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1	and Human Services, Norfolk Veterans' Home,	
2	Members Trust Account	.20
3	Request No. 00-292, made by the Department of Health	
4	and Human Services, Norfolk Veterans' Home	6,812.29
5	Sec. 7. Since an emergency exists, this act takes effect	
6	when passed and approved according to law.	